

CHURCH AND STATE

A MONTHLY REVIEW



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HOSPITAL GIVE-AWAY BLOCKED

Citizens of Ponchatoula and Hammond, Louisiana, with the help of POAU leaders, scored a quick victory in April against the plan of a Catholic religious order to take over a \$900,000 public hospital that was to have been paid for by public taxation. By threatening court action, a determined local committee on separation of church and state forced the abandonment of the "give-away." A letter of legal warning to the local Hospital Service Board caused the resignation of the Board. The proposed public hospital was to have been financed by a contribution of \$480,000 of federal money under the Hill-Burton Act, and \$420,000 from a local bond issue.

State Masonic leaders and local officials in Ponchatoula, together with many clergymen—including Rev. Fred Brister of the First Baptist Church of Ponchatoula and Rev. Edward Thomas of the First Methodist Church of Hammond—vigorously opposed the "give-away" of the public hospital to an order of Catholic nuns for a nominal rental of \$1.00 a year. Meeting in Baton Rouge with legal advisers who included POAU Special Counsel Paul Blanshard, the group organized itself into a Committee for the Separation of Church and State and sent to all members of the Hospital Board of Ponchatoula a letter declaring, "While we do not question your worthy motives as public servants . . . we intend to hold you strictly responsible as individuals and as a government board for the illegal expenditure of any . . . tax funds. . . ."

The letter of warning then went on to cite the strong language of Article 4, Section 8, of Louisiana's constitution, which forbids the expenditure of any money from the public treasury "directly or indirectly, in aid of any church, sect or denomination of religion." The Louisiana constitution also forbids any "preference" or discrimination.

The committee pointed out that under the proposed plan a public hospital would be turned over to a sectarian organization having "medical rules and codes of the Roman Catholic Church." Such preference, the letter pointed out, was unconstitutional under Supreme Court rulings in the Everson Case of 1947 and other Supreme Court cases. The committee also pointed out that the proposed transfer of the hospital to partisan sectarian interests would be in violation of Section 622(f) of the Hill-Burton law which forbids discrimination according to creed. It charged

that under the proposed rule "non-Catholic physicians, nurses and patients" would be deprived of standard medical remedies.

On April 11, just before the convening of a large public meeting in Hammond, Louisiana, addressed by Executive Director Glenn Archer, four of the five members of the hospital board resigned in a body. The one remaining member, E. B. Dufreche, chairman of the board, had opposed transfer of the institution.

Although no new hospital board has been appointed by the police jury of Tangipahoa Parish, it is believed that the proposal for sectarian control of the local hospital is now dead.

Florida Governor to Hear Pleas In 'Hildy' Adoption Case May 23



UNITED PRESS

For all of her six years little Hildy McCoy has had one set of "parents" but many abodes—the latest being Florida, where Governor Leroy Collins has set May 23 as the date on which he will personally consider the demand of Governor Foster Furcolo of Massachusetts that he extradite Hildy's foster parents, Mr. and Mrs. Melvin B. Ellis (shown with Hildy in picture above).

Hildy's mother, an unwed woman named Marjorie McCoy—who later became Mrs. Marjorie Doherty—entrusted the baby to the Ellises' care

in Massachusetts when Hildy was only ten days old. At no time has Marjorie McCoy Doherty asked for
(Continued on page 7)

• Editorial •

The First Bite

It is significant that the hierarchy of the Roman Catholic Church has chosen to make its first attempt at tax funds for the support of its sectarian schools. Other attempts made here and there, for this and for that, are obviously peripheral. This one is all out. It is first and it is foremost.

In seeking public funds for parochial schools Roman Catholic leaders evidence their sure sense of propaganda values. It is at this point, they have judged, that the wall of Church-State separation can most readily be breached. But the choice of the schools as the first objective is far more than a clever strategy. The hierarchy wants public funds for its schools first because in all its plans these schools actually come first.

Canon 1372 declares that "all the children should be instructed in such a way from early youth that nothing be taught them which is contrary to the Catholic religion. . . ." Canon 1374 provides that "Catholic children must not attend non-Catholic, neutral, or mixed schools, that is, such as are open to non-Catholics" except by permission of the bishop. Pope Pius XI stated in his famed *Christian Education of Youth* that "all education belongs preeminently to the Church. . . ."

Chomping the Molars

Fr. Joseph H. Fichter, chairman of the sociology department at Loyola University, thinks that Roman Catholic citizens are getting impatient. He said on March 23: "They are in favor of asking for some practical return on the tax money which they pay as citizens. They feel that some kind of rebate should be given on school taxes, that some form of assistance should be forthcoming, not as a privilege but as a right." The meaning is clear: he thinks tax money should be devoted not only to support of public schools but also to the schools of his denomination.

The drive is not confined to talk. In more than a dozen legislatures this year bills have been pushed which call for some form of tax support or tax concessions for Roman Catholic schools. In some instances the bills have been passed, as in Minnesota which granted income tax exemption for parochial school tuition payments and in Maryland where bus transportation for these pupils may now be provided at public expense. In

Augusta, Maine, Roman Catholic parents threatened to wreck the public schools by "dumping" 900 pupils on them if their demands for bus transportation to parochial schools were not met.

The importance of the parochial schools to Roman Catholic religion cannot be fully assessed until one considers other things the hierarchy *might have put first* in their demands for public funds. For example, the priests might very well have *put themselves first*. In opening their assault on the public treasury they might have sought stipends for themselves. In Italy priests are paid a portion of their income by the state. Why not, then, open the assault with demands for state stipends for American priests?

Or, feeling that the church building is the heart of every parish, the hierarchy might have sought government financing of church construction as its first objective. But this, too, has been thrust into the background. Later, in a carefully arranged time schedule, such goals and others will no doubt be sought. For the present, however, one goal is given priority. For the present one goal is sought with all the contrived cunning, all the plaintive persuasion, all the organized might of Roman Catholic action. This goal is to secure tax support for Roman Catholic schools.

Why Hold Line?

The parochial schools are considered by Roman Catholic leaders as basic to Roman Catholicism. These schools exist to maintain and spread the sectarian dogma of that faith. As one of their leaders put it: "Everything must be subservient (to the teaching of religion) and this is true even of writing and reading." (*Contemporary Review*, Vol. 75, p. 646.) Because of this fact, the payment of state subsidies to such institutions must be resolutely opposed by all who love Church-State separation. To pay salaries of priests or to subsidize church construction and maintenance from tax funds would be a lesser service to the Roman Catholic Church than to provide for its parochial schools. Those concerned with the American tradition in church and state do well to ponder the fact that once the main bastion falls the outposts will be quickly taken. State support of church schools will inevitably be followed by other forms of subsidy.

What the *second objective* of Catholic power may be we are not sure.

It might seek further public grants for its so-called "social services"—hospitals, orphanages and the like. Or, intoxicated with its success, it might drive boldly for clergy salaries, or operating budgets for parishes or construction cost of churches. It might even seek recognition as America's official church.

There are many possibilities as to the *second objective* of Catholic power. One guess may be as good as another. But the *first objective* is now clearly seen—support for parochial schools by a campaign of local aggressiveness and national pressure. The only sure way to avoid the second assault is to defeat the first. Our course is clear: we must resolutely oppose any public financing of parochial schools. *We dare not do otherwise.*

Cardinal Who Was More Catholic Than Pope Dies

Cardinal Segura of Seville, one-time primate of Spain, died in Madrid on April 3. He had become infamous for his "get tough with the Protestants" policy. Despite the police oppression of Protestants in Spain and the laws slanted heavily against them, Cardinal Segura openly charged Dictator Franco with being indifferent to the Protestant "menace." Apparently nothing less than re-establishment of the medieval inquisition would have satisfied the Cardinal. He frequently urged that all "heresies" be stamped out by the government.

Church and State

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CHURCH AND STATE

New Dhahran Lease Hit As Flouting of Senate

Renewal of a 5-year U.S.-Saudi Arabian lease of the Dhahran Air Base—announced in Washington on April 8 after ten months of negotiations—has been assailed by Jewish leaders as a flouting of S. Res. 323, the Lehman-George resolution adopted by the Senate last July 26 (*Church and State*, September, 1956), and a legal brief against discriminatory hiring practices of the Arabian American Oil Company (Aramco) was filed with the New York State Commission Against Discrimination by the American Jewish Congress on April 19. The next day, Senator Jacob K. Javits of New York made public letters which had been exchanged between him and Assistant Secretary of State Robert C. Hill on the subject, with Javits declaring that the

United States Government should not acquiesce in Saudi Arabia's exclusion of Jews "for an indefinite future," and Hill stating that the Administration was acquiescing only with reluctance and in the interest of national security.

S. Res. 323 declared it to be "the sense of the Senate" that foreign religious discrimination against American citizens "in the granting of personal or commercial access or any other rights" is "incompatible with the relations that should exist among friendly nations. . . ." Saudi Arabia's contention that its exclusion of Jews is related to current Jewish-Arab conflicts is denied by Jewish spokesmen who point out that "this exclusion antedates the establishment of Israel and even of political Zionism a long time," originating with the Wahabi movement which sought the exclusion of all "dogs of unbelievers."

NEWS From Far and Near

◆ The Greater Philadelphia Council of Churches has advised public schools against attempting to develop separate religious units of study or to designate part of the regular school day for teaching religion. The advice was contained in a report on religion and public education issued by the council.

◆ A United Nations draft Declaration on the Rights of the Child—drawn up in 1950—continued to gather dust as the UN Human Rights Commission met recently in Geneva. The International Catholic Child Bureau objected to the draft because it did not "in substance conform to our ideal," particularly on three points: failing to insist on the child's absolute right "to life from the moment of his conception"—or, in other words on absolute equality of the fetus with the mother, as in Catholic doctrine (see story in this issue); failure to condemn divorce as vigorously as does the Roman Catholic Church; and failure to emphasize parental "rights" in regard to the religious education of their children—which, in the Catholic "ideal," must be state-financed.

◆ The Cheshire County Council of Churches in New Hampshire has opposed 32-0 a bill for released-time religious instruction for the state's public school pupils. The Rev. Orrin L. Kosmo is quoted in a March 29 Religious News Service dispatch as saying that public school teachers would be used in carrying out provisions of the measure, that it would decrease the time now available for the school curriculum, that the plan is "discriminating" and "un-American" and that it represents the use of "legislative power in a coercive manner."

◆ Leaders of many South African churches—including even some Dutch Reformed clergymen—have united in opposition to the proposed Native Laws Amendment, under which the government could forbid churches to minister to racially mixed congregations.

◆ Oregon pupils in public and non-public schools may receive free textbooks even when attending substandard schools under terms of a bill introduced into the state legislature. Existing law, enacted in 1941, restricted the benefit to pupils in schools meeting state standards. Overcrowded conditions have caused many public and private schools recently to drop below state physical standards and the new bill was designed to allow such schools to continue receiving free state textbooks. The Oregon Council of Churches and the Oregon Civil Liberties Union opposed inclusion of non-public school pupils in the program at a House hearing on the bill in April, following its passage by the Senate.

Emperor-Priest



Japan's Emperor Hirohito (above), although he has lost most of his power as a result of World War II, is still the chief priest of Shinto, formerly the state religion. Premier Kishi recently proposed that Hirohito be restored, at least nominally, to his old rank as "Head of State."

Conversion Group Granted Charter in Pennsylvania

Religious proselytization is a legitimate activity in the United States of America, the Pennsylvania Supreme Court held on March 25 as it ordered, by a 6 to 1 vote, issuance of a charter to The Conversion Center of 18 West Eagle Road, Havertown (in Oakmont, Haverford Township, Delaware County). The state high court thus rectified what *Church and State* had characterized last September as "an act of judicial usurpation" by a lower court which had denied the charter. (See, also, February, 1957 issue.)

Justice T. McKean Chidsey observed in the 7-page opinion of the court that many organizations work for the conversion of persons from one faith to another, and that in stating its purpose of converting Roman Catholic laymen and priests, The Conversion Center had sought to be "straightforward and honest with the public." The proposed activity, to be carried on without use of violence, boycott or sanctions by peaceful citizens, Justice Chidsey noted, could not be legally condemned as injurious to the community.

Justice Michael A. Musmanno dissented in 14 pages of heated rhetoric liberally interspersed with phrases like "winds of intolerance" and "gales of prejudice" which could aptly be applied to describe his own harangue. But he was precisely right when he declared: "If there is one thing that the United States symbolizes more than anything else it is religious freedom." That was just the point in this case.

• Guest Editorial •

RELIGIOUS LOG-ROLLING

By C. Emanuel Carlson
(Reprinted from *Report from the Capital*)

How inadequately legislators, even from states with strong Baptist constituencies, understand the Baptist concern with reference to separation of church and state is well illustrated by S. 1681.

Senators Hill (Alabama) and Kerr (Oklahoma) have teamed up to offer S. 1681 to amend the Public Health Service Act. The proposed amendment provides that if Hill-Burton [hospital] funds are available from the allocations to a given state those funds may be extended as *loans* to applicants who are eligible under the Hill-Burton formula. The conditions of the Hill-Burton Act apply; and the interest rate is to be equal to the average interest paid by the government on its long term loans plus 1/2 of 1%.

Most Baptists have been willing to see the government extend loans to private or church agencies providing the interest rate is such that there is no cost to the taxpayer. A number of Baptist colleges have accepted such loans for the building of dormitories, benefiting by the longer time provided for amortization and by a closer approach to the "pure interest" rate. They have felt that such loans do not involve the use of the government's tax-power to compel contributions toward a religious institution, a principle which is clearly violated in the case of grants.

Loans vs. Grants

This Hill-Kerr proposal in S. 1681 attempts to merge the hospital institutional interests of Baptists with those of the Roman Catholics in an "omnibus" piece of legislation that is built simply of "interests." Baptists are invited to accept loans if in so doing they will consent to others getting grants. So they propose a five-year extension of the appropriations to the Public Health Service Act (Hill-Burton), tacking on a provision for loans if the pending applications for grants do not use up the funds.

The action of the Southern Baptist Convention Executive Committee, which raised the question of loans, began with a clear statement of opposition to *grants* based on principle. The secondary suggestion in favor of loans was in response to Baptist institutional interests seeking to render

the maximum of service in the field of hospital work within the framework of our spiritual principles. Apparently Senators Hill and Kerr do not understand the principles, only the interests.

(Editor's note: A bill proposed by Rep. Poage of Texas [H.R. 1979] provides for long-term loans to private and sectarian groups for hospital construction. This bill entirely divorces itself from the old Hill-Burton formula. That is to say, it projects the loan proposal alone and on its own merits. This is exactly the kind of proposal that has been long sought by many Baptists and others concerned for church-state separation. Another bill—H.R. 3103—introduced by Rep. Siler [Kentucky] would simply amend the Public Health Service Act by striking out the "other non-profit" category. This would eliminate churches from the grants, as many Baptist leaders have urged.)

Bus Drive Goes On

Pressures for sectarian bus transportation at public expense continue in many sections of the country. In every such report received at POAU headquarters the denomination seeking tax funds for this purpose was the Roman Catholic. A few typical examples of current activity follow.

In Augusta, Maine, the bus fight has attracted national attention because Catholic parents attempted to stampede the local government by threatening to "dump" their 900 children on the public schools on short notice unless they received bus money for parochial schools. Protestant leaders and attorneys have filed a complaint in the name of Dr. Alden W. Squires and 12 other taxpayers to block payment of a \$100 token appropriation to Catholic schools for bus transportation, but Mayor Carey attempted to side-step the test order as framed in the complaint. Since Maine has no state statute authorizing bus funds for Catholic schools, Protestant leaders are confident they can defeat the proposed appropriation in court.

In California Richard G. Burns of the law firm of Henry C. Clausen represented a taxpayers group before the school board of Richmond, California, where there had been a "bus problem." After his appearance the board voted to return the busses to their original routing, thus ending the violation of state law. (Busses are

Critic Says Censors Kill Public Taste

"The generally low taste of the [Roman] Catholic community in America has been a minor scandal for quite a time now. It stares at us from the pages of the same diocesan newspapers that devote so much of their space to censorial exhortation; it stares at us—as we have long known—from our churches. Critical protests against all that is garish, saccharine, and simply badly executed have frequently been raised; if these have in general been ineffectual, it is because they have fallen upon indifferent ears . . . ears that have been trained not to hear anything at all that is spoken in the name of 'art.' Indifference is the rule—the censorial rule—diffused over a vast social structure. . . .

"The paralysis of taste and the resistance to knowledge which follow from any vast diffusion of censorial attitudes are by no means confined to the Catholic community. One has only to pick up a daily newspaper to run across random samples of the process at work. . . ."—From "Criticism and Censorship," by Walter F. Kerr (Bruce Publishing Company, Milwaukee, 1956, 86 pp. + vi, \$1.25 paper, \$2.75 cloth)—based on the 1954 Gabriel Richard Lecture, Trinity College.

forbidden to go out of their way to pick up private school pupils.) One week after the ruling, in an early-morning foray, 40 Roman Catholic women met the busses and forced on their children.

In Indiana the Senate killed permissive legislation for the extension of parochial school transportation by the close vote of 20-16.

In Connecticut the situation was confused. The Stamford Board of Education voted down parochial bus transportation. But a bill providing "welfare funds" including bus transportation for parochial school pupils had been introduced in the legislature. The full power of the hierarchy had been thrown behind it.

In Florida transportation of parochial pupils in county school busses was declared illegal under Florida statute. The ruling came from the State Department of Education in response to an inquiry from the Nassau County school board.

Rep. William F. Renwick, in Pennsylvania, followed up the Roman Catholic defeat in the Robinson Township bus case by introducing bills in the state legislature which would authorize transportation of parochial school pupils on public school busses. Local communities would foot the bill.

Church Childbirth Rule Is Clear—Not a Rumor

Smarting under the hostile criticism of their laymen, Roman Catholic hospital authorities are attempting to explain away the Catholic theory of childbirth under which the life of a Catholic mother may be sacrificed to avoid the death of an unborn fetus, even though the fetus cannot live in any case.

On April 1, according to Religious News Service, Dr. James R. Freedman, an obstetrician on the staff of St. Joseph Hospital, Lexington, Ky., declared that "Catholic hospitals always place an equal value on the lives of the mother and child." Dr. Freedman made his statement supposedly "to dispel the often heard rumor that in Catholic hospitals the life of the mother is sacrificed for that of the child in cases where complications arise at childbirth. The rumor referred to is as ridiculous as putting a sharp knife under the bed of the expectant mother to cut her labor pains in half."

Meaning of 'Equal'

Dr. Freedman did not explain that when Catholic hospitals "place an equal value on the lives of the mother and child," this means in practice that the life of the mother may be sacrificed *even though the unborn child cannot survive in any case*. This doctrine, exposed by Paul Blanshard in his *American Freedom and Catholic Power*, has not been fundamentally changed in recent years. In the 1956 edition of *Moral Problems and Hospital Practice* (originally written by Father Patrick A. Finney and enlarged by Father Patrick O'Brien) the following question and answer are published:

If it is reasonably certain that a pregnant mother and her unborn child will both die if the pregnancy is allowed to take its course, can the attending physician be justified in removing the inviable fetus on the ground that he can at least save the mother's life by doing so?

No, the physician cannot be justified in removing the nonviable fetus deliberately in order to save the mother's life. Such a removal of the fetus would be direct abortion, which is never morally permissible for any reason.

This rule has been reaffirmed by the latest important Catholic book in this field, *Medical Ethics*, by Father Edwin F. Healy, S.J., and published by Loyola University Press, 1956, under the imprimatur of Cardinal Stritch. In the appendix of this work the author publishes the official

Clinical and Religious Directives for Catholic Hospitals, binding on all Catholic medical personnel. This Catholic medical code states: "These ethical directives concern all patients regardless of religion, and they must be observed by all physicians, nurses, and others who work in the hospital."

When Mother Must Die

Rule 15 of this code states: "Direct abortion is never permitted even when the ultimate purpose is to save the life of the mother. No condition of pregnancy constitutes an exception to this prohibition. Every procedure whose sole immediate effect is the termination of pregnancy before viability is a direct abortion."

Therapeutic abortion in order to save the life of a mother is now legal in all states of the union under court decision. The operation is becoming increasingly rare with modern improvements in medicine, but a study made in Johns Hopkins University more than ten years ago indicated that the remedy was used in about one delivery in sixty-five. (*American Journal of Obstetrics and Gynecology*, XLVIII, p. 892.)

Louisiana Tour 'One of Best'

POAU Executive Director Glenn L. Archer returned to Washington on April 15 from a two-week tour of Louisiana (see *Church and State*, March, for dates and places) saying he considered it to have been "the best planned and executed tour I have ever been on in any state." The meetings had been attended by at least 10,000 persons, many of whom subscribed to POAU's information services.

Dr. W. Earl Hotalen, director of the Louisiana Civic and Moral Foundation, which sponsored the tour, worked indefatigably to make it a success. Under his direction, thousands of posters, photographs of the speaker as well as other publicity materials and tickets were widely distributed. Archer traveled 2,200 miles by car, speaking 26 times in 22 cities during the 13 days of his tour. There were also radio broadcasts and TV appearances. Telling his audiences that "our future depends on the ability to defend the ramparts of free public schools, the constitutional guarantee of religious freedom and the traditional concepts of American democracy," he dealt with situations in Louisiana as well as on the national

scene which in his judgment merited remedial action. The Louisiana problems which he cited included instances of tax-paid transportation of parochial school pupils, the teaching of a religious catechism in some public schools, attempts to use federal Hill-Burton funds to support hospitals run by Roman Catholic nursing orders, and ownership of Station WWL in New Orleans by Loyola University with ultimate authority in the hands of Jesuit officials in Rome.

Concordat's School Pact Unenforceable in Germany

The 1933 Hitler-Vatican concordat is still in effect but one of its most vital aspects, from the Church's point of view, was declared unenforceable in a decision at Karlsruhe on March 26 by West Germany's Constitutional Court. Education, said the court in its 88-page opinion, is one of the fields of public policy in which each of the ten German *Laender*, or states, is sovereign, and therefore not bound by any provisions in the concordat which run counter to state policy.

After the decision, which had been under consideration by the court for nearly a year, Pope Pius XII told West German students at an audience in the Vatican that "the Church must defend, and will to the very last defend, the right of Catholic parents for schools corresponding with their convictions"—meaning, of course, at government expense. A similar development in Austria—where the Socialist coalition government, going farther than leaders of some of the German states, has disowned its concordat as a product of "the illegal autocratic Dollfuss government"—brought a strong protest from the Austrian Roman Catholic bishops at their spring meeting in Vienna.

The Karlsruhe decision represented a setback for Chancellor Konrad Adenauer of the national government, who had persistently contended that "the Concordat, especially its school provisions, is binding on both the Federal Republic and its individual states."

The court decision was necessitated by the fact that Lower Saxony, Bremen and Hesse had each moved to establish interdenominational or non-denominational state schools in preference to tax-supported denominational schools.

New Philippine Claims Total \$29,000,000

War damage claims totalling approximately \$29,000,000 were submitted recently to the United States Foreign Claims Settlement Commission under terms of Public Law 997—known before passage in the 84th Congress as H.R. 6586, a bill by Congressman John W. McCormack of Massachusetts to amend Section 7 of the War Claims Act of 1948 "with respect to claims of certain religious organizations functioning in the Philippine Islands" (*Church and State*, September and November, 1956).

The latest claims were submitted by various religious organizations, with the lion's share belonging to the Roman Catholic Church. A Religious News Service dispatch of April 2 gave a break-down of the first 102 claims totalling \$26,713,000 (the final total came to 106 claims and \$29,000,000, as *Church and State* learned by checking with the Commission). According to the RNS break-down:

"Protestant groups filed 44 claims totalling \$3,508,000. Roman Catholic organizations filed 34 claims amounting to \$14,221,000.

"Another 24 claims totalling \$9,083,000 were made by individual clergymen and by non-Christian religious groups. The largest claim in this group was made by the Universal Theomanistic Association which asks \$6,002,000 for the alleged death of 3,000 members.

"The Jewish Community of Manila claims \$31,000 and the Philippine branch of the Baha'i Movement \$13,600.

"The Methodist Church is the largest single claimant in the Protestant group. In 26 claims it asks \$2,466,000. Three Baptist claims total \$300,000. The Evangelical Board of the Philippines asks \$347,000."

The principal change wrought by the McCormack bill was to make all religious organizations in the Philippines eligible for compensation if they were "of the same denomination as a religious organization functioning in the United States. . . ." Previously, claimants had to show direct affiliation with a United States denomination's headquarters, and organizations controlled by the Roman Catholic Archbishop of Manila, who was responsible to the Vatican rather than to American superiors, were held to be ineligible. (On April 17 Congressman McCormack, along with Con-

gressman Rooney of New York, was dubbed a Knight Commander of the Order of St. Gregory, with star, by the Most Rev. Amleto G. Cicognani, Apostolic Delegate to the U. S.)

Funds to pay the war damage claims are to come from confiscated enemy assets. The Foreign Claims Settlement Commission has a year to process them.

St. Louis Jesuits Denied TV Station

In a final decision on March 27 the Federal Communications Commission denied the application of St. Louis Jesuits for TV channel 11. The disputed channel was granted to the Columbia Broadcasting System.

The Jesuits' application in St. Louis was fronted by a corporation called the St. Louis Telecast, Inc., sixty per cent of whose stock was owned by St. Louis University, which in turn is owned by the Society of Jesus, which composes all its directing board.

POAU, in a letter of January 28 addressed to the Federal Communications Commission, had challenged the right of the St. Louis Jesuit group to secure Channel 11 on the ground that it is disqualified under the law as an "alien" or "the representative of an alien." Executive Director Glenn Archer had pointed out that the directing board of St. Louis University is subject to removal or transfer without cause by the Superior General of the Jesuit order, and that the institution is not a bona fide American organization within the meaning of the Communications Act (*Church and State*, March). This issue was not decided by the Federal Communications Commission in granting the channel to CBS.

And Now, Loyola—

The FCC continues to consider the question whether the Jesuit order of New Orleans, through its wholly controlled Loyola University board, should be granted Channel 4. Bombarded with hundreds of letters and telegrams of protest, the Commission is still considering a petition for rehearing after a grant of the channel to the Jesuit organization. POAU is pressing for a reconsideration of the issues involved and, in consultation with competitors of WWL, is hoping to participate in a court action against the grant to any Jesuit sta-

tion, if the FCC cannot be persuaded to enforce the law itself.

Meanwhile, the Senate Committee on Interstate and Foreign Commerce, under the leadership of Senator Warren Manguson of Washington, has not yet agreed to investigate the problems of censorship and control involved in Catholic ownership of television and radio stations. CBS has not accepted Archer's proposal to establish a "dignified hour of controversy" on matters of separation of church and state but it has promised to give the plan "serious consideration." It is apparent that the suppression of the *Martin Luther* film in Chicago has had a powerful effect in Washington, and it is believed that the final outcome will be to halt the Jesuit drive for ownership of a chain of television channels.

Many Catholic leaders have indicated that they are uneasy over the public controversy occasioned by the suppression of the *Martin Luther* film and the later attempt of Father Thurston Davis, editor of the Jesuit magazine *America*, to use "The Church of the Air" program of the Columbia Broadcasting System for a partisan speech on Protestant-Catholic tensions. *Ave Maria*, Catholic weekly published at Notre Dame University, in its issue of April 6 defended the Columbia Broadcasting System for cancelling Father Davis' speech. According to the editor, the Davis talk "touched upon three explosive subjects—birth control, censorship, and parochial schools—hence did not qualify." The Catholic editor added: "It is not prudent for Catholics to bite the hand that feeds them."

St. Louis POAU Official Refutes False Argument

Victor B. Harris, secretary of the St. Louis Chapter, gave effective answer to new demands for state aid to parochial schools, in his "letter to the editor" printed in the "Globe Democrat" on April 5. He wrote: "What (these demands) overlook is that when the hierarchy insists on its own schools it does so solely because the public schools are not good enough for them. This is true, of course, of everyone who sends his children to private schools. Since the Roman Hierarchy thus wants something special not provided by the public schools, what is asked is not equality but special privilege. There is no reason why the general public, the vast majority of which find Roman Catholic teachings unacceptable, should pay for this special privilege or any part of it."

For Services Rendered?

Two of the most active spokesmen for Catholic policy in Congress have been awarded a very high Papal honor, the rank of Knight Commander of the Order of St. Gregory with star. The two leaders are John W. McCormack, majority leader of the House, who is regarded as the most important representative of Catholic interests on Capitol Hill; and John J. Rooney of Brooklyn, who has been almost equally vigorous in defense of sectarian concepts.

The awards to these two American congressmen were given in elaborate private ceremonies at the residence of the Papal Delegate, Archbishop Amleto Giovanni Cicognani in Washington.

Does this award, one of the highest which the papacy may confer on a layman, violate Article 1, Section 9 of the United States Constitution? The language of this section of the Constitution says that "no person holding any office of profit or trust under them [the United States] shall without the consent of the Congress, accept any present, emolument, office, or title, of any kind whatever from any king, prince, or foreign state." POAU lawyers are studying the application of this section to the honors accorded McCormack and Rooney. The Papacy is not now recognized as an official foreign state in American diplomacy, but the United States has given the Papacy a kind of *de facto* recognition, and this might make the acceptance of the new papal honors by McCormack and Rooney unlawful without a special act of Congress. *The National Catholic Almanac* describes the Order of St. Gregory the Great as having two main divisions, civil and military, not religious, and points out that it was created "to reward the civil and military virtues of the subjects of the Papal States."

Perennial Birth Control Battle on in Connecticut

The Roman Catholic hierarchy again demonstrated its influence in the legislative processes in Connecticut by applying pressure to defeat for the *nth* time a bill which would permit doctors to give birth control information and prescribe contraceptive devices for married women in cases where health would be endangered by pregnancy. Doctors of the state were again seeking to re-

place a 78-year-old law which forbids dissemination of such information.

In a gambit they frequently follow the Roman Catholic lobbyists linked their opposition to birth control with their opposition to euthanasia (mercy killing) although the two matters are entirely unrelated.

The battle over the birth control law is a perennial one in Connecticut with the Roman Church repeatedly using its influence to retain the present law. As this is being written the Connecticut House of Representatives has favored the measure 170 to 58, but it is expected to be defeated in the Senate. This has been the oft-repeated pattern in recent years. Connecticut is one of two states in the Union that still have the archaic proscription on all birth control information in force. The other is, of course, Massachusetts.

'Hildy'

(Continued from page 1)

personal custody of her daughter; she only wishes to ensure that Hildy be taken away from the Ellises, who are Jewish, and turned over to Roman Catholic authorities for rearing in that faith. Mrs. Doherty claims that she never knew the Ellises were Jewish. The Ellises declare that she knew it from the very beginning. A 1950 Massachusetts statute requires that adoptive parents must be of the same faith as the child "when practicable."

While the moving force behind Mrs. Doherty's effort to take Hildy away from the Ellises is undoubtedly the hierarchy of her church, one of the most trenchant attacks on the Massachusetts statute and court orders against the Ellises came in 1955 from Presiding Judge Edward Morley of the Gloucester, Mass., District Court. Judge Morley, a well-known Catholic, called the state law "the offspring of religious bias and prejudice," and called for its replacement by an improved statute under which "the welfare of the child [would] be again made the important element in determining the advisability of allowing a petition for adoption." "Children living with their natural parents," Judge Morley observed, "may go to church or may stay home from church. The state does not interfere. For what sound reason should it interfere when a child is placed out for adoption?" He also questioned the Massachusetts assumption that "if there is a dispute as to the religion of the child its religion shall be

deemed that of its mother." (Hildy's father was apparently a non-Catholic—Mrs. Doherty has said that he was a Protestant and there is an old rumor that he was Jewish, but no one has asserted that the father was a Catholic.) "Why," asked Judge Morley, "should its religion be deemed to be that of its mother any more than it should be deemed to be that of its father?"

Governor Collins' decision on the extradition question, plus any further legal developments, will help to determine whether the Roman Catholic hierarchy's desire to make Hildy another statistic on the church rolls, or the concern of the Ellises and such sympathizers as Judge Morley for Hildy's welfare as a human being, will prevail. (See, also, *Church and State*, September, 1955.)

School Board's Policy On Atheists Questioned

A spirited dispute has broken out in Miami, Fla., over the right of a teacher in the Dade County school system to be an atheist. The American Civil Liberties Union has asked the Miami public school board whether the "American privilege of freedom of conscience in matters pertaining to religion has been violated."

Religious News Service reports that Dade County teacher applications ask applicants, "Do you believe in God," although board policy is unclear. University of Miami student-teacher Thomas C. Robinson claims that he was denied permission to teach in a South Dade high school because he was an atheist, and is suing for his rights.

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Father Reinsberg, Harold and Olga

Olympic Stars Wed Three Times As Love Conquers (Nearly) All

Love does not quite conquer all. In the case of Harold Connolly and Olga Fikotova, Olympic weight-throwing champions the old axiom didn't quite work out.

There was no doubt about the love. They fell hard at first sight when they met in the Olympic village during the 1956 games in Australia. But they had a lot to overcome.

First, there were family objections, no doubt. Then there were national barriers, for Harold was an American and Olga a Czech. The barrier was heightened by the cold war between East and West, and the iron curtain of division. It looked for a time as though this hurdle would defeat them.

Uncle Sam was the first to capitulate. Secretary of State John Foster Dulles said he was "for romance" and gave his blessing, and, what was more to the point, permission for Olga to come to the United States and make her home.

CHURCH AND STATE

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The Czechs were more formidable. They made Harold stop his courting and leave the country when his visa was up. They were tough. Finally, though, they gave in. Olga was permitted to marry Harold and leave Czechoslovakia to live with him in the U. S.

So far so good. Families and countries were finally squared away. Then came the toughest hurdle of all—the church. Harold was a Catholic and Olga a Protestant. What could be done? The young people thought they had the perfect formula to satisfy everybody. They would have three wedding ceremonies: civil at Prague City Hall, Roman Catholic at the Church of St. Tyn, Protestant at the Reformed Church of the Holy Saviour. That's what they did.

It looked like a fool-proof formula, but it wasn't. The Protestants didn't object; the government was satisfied. But the Roman Church would have none of it. Because he participated in other ceremonies than those of his own denomination young Connolly was apparently out. Fr. George Reinsberg who presided at the Roman Catholic ceremony (see picture) was emphatic in his pronouncement. Said he: "Mr. Connolly will be excommunicated of course."

Our Sunday Visitor (April 7) prints the opinion of canonists of the church whom the editors had consulted. Their opinion: "If reports are accurate, Harold Connolly has automatically incurred the penalty of excommunication."

Well, it's too bad. You must admit the young people gave it a good try. Perhaps they couldn't be expected to please just everybody. Anyway, love conquered all—almost.

POAU Founder, Wife Honored at Baylor

Dr. and Mrs. J. M. Dawson have been signally honored by Baylor University. A new dormitory on the campus has been named the Willie T. Dawson Hall.

At the same time the trustees have announced the beginning of a campaign to raise \$250,000 for the purpose of establishing a J. M. Dawson Chair on Church and State. A more fitting tribute to a great Baptist, great American, and a moving spirit in POAU, can hardly be imagined.

Dr. Dawson's many friends in the POAU family will want to lend their support to this splendid project which honors him and the cause to which he has devoted his life.